PCT/FR2003/003305

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference B02/2854QT	FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)

International application No. PCT/FR2003/003305	International filing date *(day/month/year)* 05 novembre 2003 (05.11.2003)	Priority date *(day/month/year)* 06 novembre 2002 (06.11.2002)

International Patent Classification (IPC) or national classification and IPC G06F 17/30

Applicant
FRANCE TELECOM

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of _____7_____ sheets. including this cover sheet.

    ☐ This report is also accompanied by ANNEXES. i.e.. sheets of the description. claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

    These annexes consist of a total of _____ sheets.

3. This report contains indications relating to the following items:

    I ☒ Basis of the report

    II ☐ Priority

    III ☐ Non-establishment of opinion with regard to novelty. inventive step and industrial applicability

    IV ☐ Lack of unity of invention

    V ☒ Reasoned statement under Article 35(2) with regard to novelty. inventive step or industrial applicability; citations and explanations supporting such statement

    VI ☐ Certain documents cited

    VII ☐ Certain defects in the international application

    VIII ☐ Certain observations on the international application

Date of submission of the demand 14 mai 2004 (14.05.2004)	Date of completion of this report 04 May 2005 (04.05.2005)
Name and mailing address of the IPEA/EP Facsimile No.	Authorized officer Telephone No.

Form PCT/IPEA/409 (cover sheet) (July 1998)

I. Basis of the report

1. With regard to the **elements** of the international application:*

☐ the international application as originally filed

☒ the description:

pages   1-17   . as originally filed

pages   . filed with the demand

pages   . filed with the letter of

☒ the claims:

pages   1-17   . as originally filed

pages   . as amended (together with any statement under Article 19

pages   . filed with the demand

pages   . filed with the letter of

☒ the drawings:

pages   1/2.2/2   . as originally filed

pages   . filed with the demand

pages   . filed with the letter of

☐ the sequence listing part of the description:

pages   . as originally filed

pages   . filed with the demand

pages   . filed with the letter of

2. With regard to the **language.** all the elements marked above were available or furnished to this Authority in the language in which the international application was filed. unless otherwise indicated under this item.
These elements were available or furnished to this Authority in the following language   which is:

☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).

☐ the language of publication of the international application (under Rule 48.3(b)).

☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application. the international preliminary examination was carried out on the basis of the sequence listing:

☐ contained in the international application in written form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

☐ the description. pages _____

☐ the claims. Nos. _____

☐ the drawings. sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made. since they have been considered to go beyond the disclosure as filed. as indicated in the Supplemental Box (Rule 70.2(c)).**

* *Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).*

** *Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.*

V.	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims		YES
	Claims	1, 9, 13, 16	NO
Inventive step (IS)	Claims		YES
	Claims	2-8, 10-12, 14, 15, 17	NO
Industrial applicability (IA)	Claims	1-17	YES
	Claims		NO

2.   Citations and explanations

1.   Reference is made to the following documents:

D1:   US 2002/003903 A1 (ENGELDRUM PETER G ET AL)
        10 January 2002 (2002-01-10)

D2:   International Color Consortium, 20 November 1995
        (1995-11-20), "ICC Profile Format Specification",
        version 3.2

D3:   US 2002/109729 A1 (DUTTA RABINDRANATH)
        15 August 2002 (2002-08-15)

D4:   US 2002/165881 A1 (SHELTON) 7 November 2002
        (2002-11-07)

D5:   US 2002/010716 A1 (MARMY HERVE ET AL)
        24 January 2002 (2002-01-24)

1.1   D2 and D4 are not international search report
citations.

Novelty

2. The present application does not comply with PCT
Article 33(1) because the subject matter of independent
claims 1 and 13 does not meet the novelty requirement of
PCT Article 33(2), for the following reasons.

2.1   D1 describes (figure 1, paragraphs 33 to 38; figure 2, paragraph 75; figures 4 and 5, paragraphs 87 to 112; figures 6a and 6b, paragraphs 117 and 121; paragraph 134; figures 21 and 22, paragraphs 191 to 196; the references in brackets are to the document in this paragraph) a system and a method for the dynamic production of images and for the transmission of these images to remote terminals via the Internet (12, 14 and 16 in figure 1), with a server comprising an image base ("color server" 20 in figure 1) and means for processing the images which are to be sent to the terminals, such as color profiles (264 in figure 5), and a program (176 in figures 4 and 5), the means being adapted to convert the images into appropriate formats, compatible with the remote terminals (the images are modified using the terminal characterization data, in particular so as to obtain faithful colors; see paragraphs 33, 38 and 103). In this system, the image base may well be a vectorial image base, for example, in PDF, WMF, Flash or PostScript format (see paragraphs 38 and 192), and the color profiles may well be ICC profiles, i.e. comprising flags according to this standard (see also D2, paragraph 0.5, pages 3 and 4), which are integrated in the images (see paragraphs 112 and 117). A person skilled in the art would understand directly and unambiguously that the ICC profile flags enable the images to be manipulated in such a way that they are made compatible with the remote terminals (so that faithful colors can be displayed), i.e. the images are modified as a function of the flags, and that, for images in a vectorial format, such as the above-mentioned images, images which can be read by the terminals necessarily have to be generated from the manipulated images (for example, as a result of the vectorial format having to be converted into a format that can be used by a navigator; see also paragraph 110).

Therefore, all the technical features of claims 1 and 13 are present in combination in D1.

3.   Dependent claims 9 and 16 do not contain any features which, combined with those of any of the claims to which they refer, might define subject matter that would meet the PCT novelty requirements (PCT Article 33(2)), for the following reasons.

3.1   With regard to claims 9 and 16, the production of images which can be read in the terminals is described in D1 (see paragraph 110); therefore these claims are not novel.

Inventive step

4.   Dependent claims 2 to 8, 10 to 12, 14, 15 and 17 do not contain any features which, combined with those of any of the claims to which they refer, might define subject matter that would meet the PCT inventive step requirements (PCT Article 33(3)), for the following reasons.

4.1   With regard to claims 2 and 3, the use of the vectorial format SVG, based on XML grammar, is well known for storing images which are to be circulated via the Internet; see, for example, D3 (paragraphs 9 to 11; paragraph 39; figure 2, paragraphs 46 and 52); selecting this format would merely be routine procedure for a person skilled in the art; therefore these claims do not involve an inventive step.

4.2   With regard to claims 4 and 14, the ICC standard includes different types of flag, including those specifically intended for the PostScript format, optional flags and private flags (see D2: paragraph 0.5, pages 3

and 4; paragraphs 6.4.29 to 6.4.33, pages 42 and 43). For a person skilled in the art, the selective use of several processing programs activated by different flags (for example, one program for PostScript flags and other programs for color calibration), and even of a specific program for each flag, would only be routine procedure; therefore claims 4 and 14 do not involve an inventive step.

4.3   With regard to claims 5 to 7, D1 describes (see paragraph 112) the use of XSL flags for indicating presentation information for image manipulation (color correction) specifically for a terminal; furthermore, in D1 (see paragraph 38 and paragraphs 87 to 106), this presentation information is generated as a function of information transmitted from remote terminals.

Since XSL is a language used for style sheets, a person skilled in the art would see immediately and unambiguously that such a style sheet necessarily has to be used for inserting presentation data in the images, and that therefore XSLT-type conversion means have to be used for this purpose. Furthermore, these style sheets would be generated as a function of data transmitted by the remote terminals.

Therefore claims 5 to 7 do not involve an inventive step (see also the color correction system for Internet pages described in D4, paragraphs 6 to 123, figure 1, paragraphs 31 to 37, paragraphs 41 to 43, paragraphs 47 to 57, figures 4, 6 and 7, paragraph 65, paragraphs 74 to 81, which also uses XSL style sheets).

4.4 With regard to claims 8 and 17, the production of images that can be read in a server is described in D1 (see paragraph 110); the use of the same server for the image base and for this production process would only be routine procedure for a person skilled in the art; therefore these claims do not involve an inventive step.

4.5 With regard to claim 10, D5 (see paragraphs 2 to 9, figures 1 to 4, paragraphs 20 to 32, figure 6, paragraphs 35 to 38) describes a web page conversion system for rendering web pages compatible with remote terminals, these web pages being modified among style sheets containing specific presentation data for each terminal, and the modified web pages being able to be stored in a server cache, to accelerate their delivery to the terminals. As D1 itself mentions the possibility of storing partially modified images in a server, also for accelerating the delivery of correct images to the remote terminals (paragraph 134), the introduction of a cache system of the type described in D5 for the images made compatible with the remote terminals in the D1 image-processing system would merely be routine procedure for a person skilled in the art. The use of the same server for the cache and the image base would also be a routine measure (see also point 4.4 above); therefore claim 10 does not involve an inventive step.

4.6 With regard to claims 11 and 12, if XML grammar is used for a file, such as database images, in conjunction with an XSL style sheet (see points 4.1 and 4.3 above), normally, after modification, the file is still formatted with the XML grammar (see, for example, D5, paragraphs 8 to 10) with instruction codes having been inserted into the original file; furthermore, for ICC profiles, such as those which have been integrated into the database images,

it is conventional to treat the flags with arguments (see, for example, D2, paragraph B.2 page 74), which, in the D1 system, would be conveyed by requests from the remote terminals (see point 4.3 above). Therefore claims 11 and 12 do not involve an inventive step.